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FROM THE OFFICES OF U. S. SENATORS  
LEVERETT SALTONSTALL (R-MASS.) AND  
BENJAMIN A. SMITH II (D-MASS.) AND  
REPRESENTATIVE HASTINGS KEITH (R-MASS.)

FOR USE AT WILL  
August 21, 1961

WASHINGTON, August 21st--U. S. Senators Leverett Saltonstall and Benjamin Smith and Representative Hastings Keith today released 25 "Questions and Answers" relating to the establishment of the Cape Cod National Seashore.

The document was prepared by the sponsors of the Cape park bill in consultation with the National Park Service in an effort to clarify rights of homeowners in the area and the procedures to be followed in the acquisition of land for the Seashore. The memorandum is being distributed in substantial number to the Boards of Selectmen of Chatham, Eastham, Orleans, Provincetown, Truro and Wellfleet, the six towns involved in the Seashore.

President Kennedy signed the bill establishing the Cape Cod National Seashore on August 7, 1961.

The full text of the Questions and Answers memorandum follows:

1.    Question:    When will the Cape Cod National Seashore actually be established?  
  
          Answer:    When in the opinion of the Secretary of the Interior, sufficient acreage has been acquired to be efficiently administered as a park area.
  
2.    Question:    Does the Federal Government have jurisdiction over the lands within the authorized boundaries?  
  
          Answer:    No. The Federal Government does not have jurisdiction over these lands until they are actually acquired by the Department of the Interior.
  
3.    Question:    What is the first step in establishing the area?  
  
          Answer:    One of the first steps will be the initiation of a program of land acquisition when funds are made available. It is hoped that Congress will appropriate some money before the adjournment late this summer which would allow the program to begin.
  
4.    Question:    Will the National Park Service have an office on the Cape with which we can deal?  
  
          Answer:    As soon as practicable after initial funds are available, the National Park Service will have an officer located on the

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lower Cape to begin negotiating for the acquisition of land. He will also be able to provide general information about the Seashore. In the meantime specific queries can be addressed to the National Park Service, Regional Director, Region 5, 143 South Third Street, Philadelphia, Pennsylvania.

5.    Question:   By what methods will lands within the Seashore be acquired?  
Answer:       By purchase, gift, condemnation, transfer or exchange.
6.    Question:   How quickly will the Government acquire lands for the Seashore?  
Answer:       As fast as needed funds appropriated by Congress are made available to the Department of Interior. All the money needed will probably not be provided immediately or in one lump sum.
7.    Question:   How is the purchase price of land determined?  
Answer:       By negotiation. The Government's offer to the property owner will be based upon impartial appraisal.
8.    Question:   Who pays for this appraisal?  
Answer:       This expense is borne by the Government and the appraisal is made for the benefit of the Government to reach an understanding as to the fair market value. Of course, the seller may employ the services of additional appraisers at his own expense.
9.    Question:   Has an owner the right to appeal a decision of the appraisers or a Park Service official in connection with his property?  
Answer:       Yes. Appeal procedures are set up through the courts.
10.   Question:   When I agree to sell for a price, what is the next step?  
Answer:       You will be requested to sign a form of option or contract reflecting the agreement reached. By your signature you have contracted to sell. The option is then forwarded to the appropriate officials of the National Park Service for approval. When approved, it then becomes a binding contract on the part of the Government to purchase the property. Payment by Treasury check will be made after proof of title has been established to your property in a manner satisfactory to the Attorney General of the United States.





11.    Question:   What does the option or contract specify?
- Answer:   The conditions on which the sale is based and the obligations that both the seller and buyer are expected to meet, which obligations you would expect to find in any such instrument conveying real estate.
12.    Question:   What action is taken if my property, as shown by the boundaries, is severed?
- Answer:   The owner is paid the value of that part of his property taken. In establishing a price, consideration will be given to the damage caused by the severance.
13.    Question:   What land will the Interior Department attempt to acquire first?
- Answer:   First, the Government will acquire undeveloped land as fast as possible. Owners of vacant land -- or unimproved property -- do not receive special protection under the terms of the bill through the suspension of the Secretary's right of condemnation. Second, the Government will acquire strategic land needed for the administrative management of the park according to its overall recreational land-use plan. The Government will do its best to consider any hardship cases calling for early disposition of property.
14.    Question:   Up to the time the Government enters into negotiations for an owner's property, can the owner sell, rent, transfer or do what he likes with his property?
- Answer:   Yes.
15.    Question:   What is improved property?
- Answer:   Improved property means a one-family dwelling, construction of which was physically begun before September 1, 1959, providing, however, that any land in addition to three acres on which the dwelling is situated or any land bordering on waters or beaches or access thereto may be excluded from the property so designated.
16.    Question:   Can acquisition of improved property be obtained by condemnation at any time?
- Answer:   No. Condemnation authority is suspended with respect to all improved property until August 7, 1962. Thereafter condemnation is suspended on all improved property in any one of





such towns during all times when such town shall have in force and applicable to such property a duly adopted, valid zoning by-law approved by the Secretary. Tentative zoning standards have already been outlined by the Department of the Interior and official zoning standards are presently under preparation.

17. Question: Can acquisition of unimproved property be obtained by condemnation at any time?

Answer: Yes.

18. Question: If my dwelling lies within the Seashore boundaries and the construction of my house was begun before September 1, 1959, may I retain ownership of my house indefinitely?

Answer: Yes, as long as you maintain the property as a private residence which meets local zoning regulations approved by the Secretary of the Interior, as mentioned above.

19. Question: If the construction of my dwelling was begun after September 1, 1959 and I do not wish to sell, is my property subject to acquisition by condemnation?

Answer: Yes.

20. Question: What will happen if the towns do not adopt the zoning regulations?

Answer: There is every reason to expect the towns to adopt the zoning regulations approved by the Secretary, but if this did not happen, the Government will be empowered to take property by eminent domain.

21. Question: What basic rights do I have if my dwelling was constructed before September 1, 1959, regardless of whether or not the town adopts suitable zoning by-laws?

Answer: If you have owned the improved property prior to September 1, 1959, you can choose to hold your property either for 25 years or life before acquisition or condemnation could take place. If you have acquired your improved property since September 1 1959, you can choose to hold your property for 25 years or less before acquisition or condemnation could take place. These choices are equally available to the homeowner who wishes to sell his property to the Government.



22. Question: Will these choices be available to me if I voluntarily sell my property for the park even though it is exempt from condemnation?

Answer: Yes.

23. Question: What happens to real estate transfers for those property owners whose homes will be taken for the park eventually and who have selected either a 25-year or lifetime option?

Answer: Owners with the 25-year option may transfer it to others for the balance of the time period. If a lifetime option is exercised, it ends with the owner and no transfer can be made.

24. Question: If my property is subject to condemnation, will this action be taken?

Answer: The Government intends to use its condemnation powers very sparingly. There is little reason for use of Federal eminent domain powers, and negotiating will be used almost exclusively. The National Park Service is reluctant to resort to the power of eminent domain in acquiring lands except as a legal device to clear title, as an emergency device to acquire lands urgently needed for use, or to prevent damage to the authorized park area.

25. Question: If I own property being used for commercial or industrial purposes, can this property be condemned?

Answer: Yes, unless the commercial or industrial use is approved by the Secretary of the Interior. You should contact the National Park Service in Philadelphia in order to make application for the Secretary's approval of your enterprise.

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